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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,081	03/11/2004	Laurent Lecanu	1941.012US1	5330
21186 7590 03/03/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER				
HAMA, JOANNE				
ART UNIT		PAPER NUMBER		
1632				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,081

Applicant(s)

LECANU ET AL.

Examiner

JOANNE HAMA

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2007 has been entered.

Claims 5, 19 are withdrawn. Claims 29-32 are cancelled. Claims 1, 15 are amended.

Claims 1-4, 6-18, 20-28, drawn to a rat having a neurological diseases induced by perfusing an Abeta compound, at least one pro-oxidative compound, and at least one anti-oxidant inhibitor, are under consideration.

Information Disclosure Statement

Applicant filed an Information Disclosure Statement (IDS) on November 26, 2007. The IDS has been considered.

Withdrawn Rejection

35 USC §112, 2nd parag.

Applicant's arguments, see page 6 of Applicant's response, filed November 26, 2007, with respect to the rejection of claim 32 have been fully considered and are

persuasive. Applicant indicates that claim 32 is cancelled. The rejection of claim 32 has been withdrawn.

New/Maintained Rejections

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 6-18, 20-28 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for reasons of record, March 7, 2007 and August 24, 2007.

Applicant's arguments filed November 26, 2007 have been fully considered but they and they are persuasive in part.

Applicant indicates that the amendments to claims 1 and 15 render moot the § 112 (1) rejection (Applicant's response, page 6). In response, this is not persuasive.

While Applicant has amended part of claim 1 and 15 to be drawn to rat, claims 1 and 15 (and their dependent claims) are readable on rodent. As indicated in the Office Action of August 24, 2007, page 4, the specification does not provide guidance to arrive at the claimed invention using any rodent. As such, the rejection as it applies to this issue remains.

With regard to the claims encompassing Abeta protein from any species of animal, the Office Action, August 24, 2007, page 5, has indicated that not all Abeta from different species of animals is enabled (see also Huang et al., 1999 reference). Applicant provides no response regarding this issue and the rejection as it applies to it remains.

The claims read broadly on a rat having any neurologic disease (e.g. see first line of claim 1). While claim 1 has been amended to indicate the phenotypes seen in the claimed rat/rodent (hyperphosphorylated tau, amyloid plaques or neurofibrillary tangles), this does not enable an artisan to practice the claim invention for a rat/rodent model of any neurologic disease or a method of inducing any neurologic disease in a rat/rodent. As such, the rejection as it applies to this issue remains.

It is noted that the rejection of claims 31, 32 is withdrawn as the claims have been cancelled.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-18, 20-28 are newly rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 5 and 6 refer to "the rodent." It is unclear whether "rodent" refers to the rat or to another rodent animal and thus, the claim is rejected. Claims 2-4, 6-14 depend on claim 1 and are included in the rejection. Similarly, claim 15 refers to "the

rodent" (see line 5); however, it is unclear if this rodent refers to the rat or another rodent animal. Claims 16-18, 20-28 depend on claim 15 and are included in the rejection.

Conclusion

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is 571-272-2911. The examiner can normally be reached Monday through Thursday and alternate Fridays from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent

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/Joanne Hama, Ph.D./
Examiner, Art Unit 1632